

Item: \_\_\_\_\_  
Fiscal Impact: \_\_\_\_\_ N/A  
Funding Source: \_\_\_\_\_ N/A  
Account #: \_\_\_\_\_ N/A

Budget Opening Required: ☐

**ISSUE:**

Application: #GPZ-1-2009 Appeal  
Applicant: Dan Northrup and Kelly Jensen  
Location: 5221 W. 3500 S.  
Size: 0.66 acres

**SYNOPSIS:**

Change General Plan from residential office to neighborhood commercial land uses. Change zone from 'RB' (residential business) to 'C-1' (neighborhood commercial)

**BACKGROUND:**

Surrounding zones include R-1-8 (single family residential, minimum lot size 8,000 square feet) to the west and south; RB to the east; and C-1, R-1-8, and RB to the north. Surrounding land uses include single family homes to the west and south, a single family home that is being converted to an insurance office to the east, and a veterinarian hospital and single family homes to the north.

The subject property was rezoned from R-1-8 to RB in 2002. The concept plan for the property at that time included two office buildings totaling 4,200 square feet. Two Board of Adjustment cases were approved for this property in 2006. The first was a variance to allow the proposed new building to be built right on the south property line. The second was for a modification of a non-conforming use. The approved request was to demolish the existing safety inspections and emissions building, which was non-conforming, and rebuild it as part of new building that would also include office uses.

Attached to this report is a letter from the applicants stating why they believe this application should be approved. Rezoning the property would grant the applicants more tenant options for possible leases.

Generally speaking, the RB Zone is geared toward residential and non-retail commercial with banking type hours. The C-1 Zone prohibits residential use and allows retail commercial where hours can extend beyond banking hours.

The Planning Commission considered this application on May 13, 2009 and voted to deny the application. The applicant is appealing the Planning Commission decision. Attached to this issue paper is a letter from Mr. Northrup and Mr. Jensen explaining why they are appealing the Planning Commission's decision.

**RECOMMENDATION:**

The Planning Commission recommends denial.

**SUBMITTED BY:**

Nicole Cottle, CED Director  
Steve Pastorik, Long Range Planning Manager